

Kreisler 1092-KGB 001394-us/JH/be

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GER

GERD HOBOM ET AL.

SERIAL NO.:

09/909,238

FILED:

July 19, 2001

FOR

RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC

vRNAs CODING FOR TWO GENES IN TANDEM ARRANGEMENT

**ART UNIT** 

1614

**EXAMINER**:

To be assigned

**Box MISSING PARTS** 

Hon. Commissioner of Patents Washington, D.C. 20231

# COMMUNICATION RE: FILING OF DECLARATION ON A DATE LATER THAN THE FILING DATE OF THE APPLICATION

Sir:

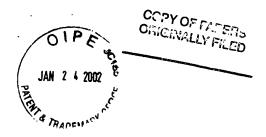
This is in response to the Notice To File Missing Parts of Nonprovisional Application dated October 3.2001, in the above-identified application. A copy of said Notice is attached hereto.

Submitted herewith is the Declaration executed by the inventors. It is requested that this paper be joined up with the papers previously filed in this Application.

#### Applicant is:

[ ] a small entity	[ ] verified statement attached
[x] other than a small entity	[ ] verified statement filed

It is requested that the surcharge for the filing of the Declaration be charged to the undersigned's Deposit Account No. 14-1263.



Please charge:

[ ] \$65.00 for small entity

[x] \$130.00 for other than small entity.

An extra copy of this communication is appended hereto for accounting purposes.

A Petition for Extension of Time is also submitted herewith.

#### **ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No.

14-1263.

Respectfully submitted, NORRIS McLAUGHLIN & MARCUS, P.A.

William C. Gerstenzang

Reg. No. 27,552

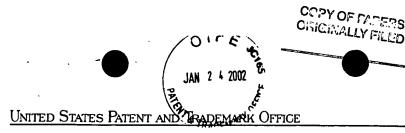
220 East 42<sup>nd</sup> Street 30<sup>th</sup> Floor New York, New York 10017 (212) 808-0700

# **CERTIFICATE OF MAILING**

I hereby certify that this Communication and Combined Declaration & Power of Attorney are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box MISSING PARTS, Commissioner of Patents, Washington, D.C. 20231, on the date indicated below.

Date:

William C. Gerstenzang



COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

APPLICATION NUMBER FILING/RECEIPT DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NUMBER 09/909,238 07/19/2001

**KURT BRISCOE** NORRIS, MCLAUGHLIN & MARCUS, P.A.

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**CONFIRMATION NO. 8656 FORMALITIES LETTER** \*OC000000006834890\*

Date Mailed: 10/03/2001

# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

#### FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below. however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

# For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY